

AM1467
LB 117
DSH-05-05

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AMENDMENTS TO LB 117

(Amendments to E & R amendments, AM7091)

1 1. Insert the following new sections:

2 "Sec. 7. Section 60-4,111.01, Reissue Revised Statutes
3 of Nebraska, is amended to read:

4 60-4,111.01. (1) The Department of Motor Vehicles, the
5 courts, or law enforcement agencies may store or compile
6 information acquired from an operator's license or state
7 identification card for their statutorily authorized purposes.

8 (2) ~~No~~ Except as provided in sections 8 to 16 of this
9 act, no person having use of or access to machine-readable
10 information encoded on an operator's license or a state
11 identification card shall compile, store, preserve, trade, or sell
12 such information. Violation of this subsection ~~shall be~~ is a Class
13 IV felony.

14 Sec. 8. An electronic verification service provider that
15 sells or markets an electronic verification device to a commercial
16 user in Nebraska or provides support for such a device shall
17 present information to the Department of Motor Vehicles to
18 establish that such provider has sufficient infrastructure to
19 protect any personal information stored or maintained and has
20 demonstrated financial stability.

21 Sec. 9. A commercial user or electronic verification
22 service provider may capture, transmit, store, maintain a record
23 of, or use personal information obtained from a driver's license or

1 a state identification card using an electronic verification device
2 for age-verification, for prosecution of drug-related offenses, for
3 drug enforcement, or to prevent fraud.

4 Sec. 10. Except as otherwise provided in section 13 of
5 this act, a commercial user may capture or maintain a record of
6 personal information only as provided in section 11 of this act and
7 only if such commercial user has made a clear and conspicuous
8 disclosure to an individual who is required or requested to provide
9 identification as part of a commercial transaction substantially as
10 follows:

11 "The personal identification information contained on
12 your driver's license or state identification card is being
13 electronically scanned and captured as a part of this transaction
14 and may be recorded and retained by this establishment."

15 Sec. 11. Except as otherwise provided in section 13 of
16 this act, a commercial user or electronic verification service
17 provider may capture, transmit, store, maintain a record of, and
18 use personal information obtained pursuant to section 9 of this act
19 only for the following purposes:

20 (1) Compliance or assistance with any official law
21 enforcement investigation or the order of any state or federal
22 administrative agency or court;

23 (2) Prevention of fraud, misrepresentation, or any
24 similar offense pursuant to section 9 of this act against an
25 individual providing the driver's license or state identification
26 card;

27 (3) Defense to any action brought against a commercial

1 user regarding the individual providing the driver's license or
2 state identification card pursuant to section 9 of this act;

3 (4) Prosecution of any drug-related offense except that
4 such information may not be used for investigation of the
5 underlying offense; and

6 (5) Any other purpose expressly required or permitted by
7 law.

8 Sec. 12. A commercial user or electronic verification
9 service provider may maintain a record of personal information
10 obtained pursuant to sections 9 to 11 of this act for a period of
11 four years after the date of capture. After such four-year period,
12 the commercial user or service provider shall delete or otherwise
13 remove such information from its electronic records.

14 Sec. 13. A commercial user or electronic verification
15 service provider may use personal information captured from a
16 driver's license or state identification card if the commercial
17 user or service provider has obtained the express consent of the
18 individual who presented the license or card but only in the manner
19 and to the extent that such individual has expressly authorized.

20 Sec. 14. Except as otherwise provided in sections 9 to
21 11 of this act, no commercial user or electronic verification
22 service provider shall buy, sell, transfer, or disclose to any
23 other person, or maintain, download, or use in any manner, personal
24 information captured from a driver's license or state
25 identification card.

26 Sec. 15. A violation of sections 9 to 14 of this act is
27 a Class IV felony.

1 Sec. 16. Any person aggrieved by a violation of sections
2 9 to 14 of this act may bring a civil action, including an action
3 for immediate relief by means of an injunction or other order of
4 the court.".

5 2. On page 17, line 20, strike "and"; and in line 21
6 after "(e)" insert "After December 31, 2008, sold by a person who
7 records the purchaser's name, address, and date of birth, the date
8 of purchase, and the amount of the drug product purchased in an
9 electronic format that is capable of being recorded and compiled as
10 part of an electronic database. If an operator's license or state
11 identification card is used to record the data required in this
12 section, such information shall be gathered in compliance with
13 sections 8 to 16 of this act; and

14 (f)".

15 3. On page 18, line 14, after "Original" insert "section
16 60-4,111.01, Reissue Revised Statutes of Nebraska, and".

17 4. Renumber the remaining sections accordingly.